

THE HONOURABLE SRI JUSTICE V. ESWARAI AH

WRIT PETITION No.6869 OF 2006

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DATED: 06-04-2006
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BETWEEN

Pesapati Subramanya Raju,
S/o. Bhaskara Raju,
R/o. Paradesipalem Village,
Visakhapatnam Rural Mandal,
Visakhapatnam.

...PETITIONER

AND

The Greater Visakhapatnam,
Rep. by its Municipal Commissioner,
Visakhapatnam and others.

...RESPONDENTS

ORDER:

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Petitioner seeks a Writ of Mandamus to declare the action of the officials of the first respondent in trying to demolish his poultry farm sheds situated in S.No.56 in an extent of Ac.0.60 cents of Paradesipalem village, Visakhapatnam Rural Mandal as illegal and arbitrary.

Learned counsel for the petitioner submits that petitioner's son established M/s. Swathi Poultry Farm in the aforesaid premises after obtaining oral permission from the Gram Panchayat and the then Tahsildar about 30 years back for construction of poultry farm and since then he has been paying the necessary fee and also the electric charges. After the death of his son, the petitioner continued the said poultry farm and made a number of representations dated 12.03.2003 and 15.05.2003 to the District Collector seeking to allot the said land to him or regularize the same since he has been in physical possession and enjoyment of the same for the last more

than 30 years. While so, the officials of the respondents visited the premises of the petitioner on 03.04.2006 and threatened to demolish the sheds of the poultry farm.

The learned counsel for the petitioner further submits that the action of respondent without following the due procedure prescribed under law and without paying any compensation either by way of private negotiations or by way of initiating proceedings under the Land Acquisition Act is utter violation of the principles of natural justice as well as Sections 146 and 147 of the Municipal Corporations Act (for short 'the Act').

Having regard to the facts and circumstances of the case, this writ petition is disposed of directing the respondent not to demolish the structures or take away any portion of the property of the petitioner and not to dispossess him without following due process of law either under Section 146 or 147 of the Act or by private negotiations or by initiating the proceedings under the Land Acquisition Act, 1894. No costs.

V. ESWARAI AH, J

April 6, 2006
DSK